

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #12	CCRB Case #: 201908154	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/16/2019 10:15 AM	Location of Incident: Front of 765 Amsterdam Avenue	Precinct: 24	18 Mo. SOL 3/16/2021	EO SOL 10/31/2021	
Date/Time CV Reported Mon, 09/16/2019 10:59 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/16/2019 10:59 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jose Rodriguez	27982	939341	024 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Raymond Castro	05387	963444	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jose Rodriguez	Discourtesy: Police Officer Jose Rodriguez spoke discourteously to § 87(2)(b)	
B.POM Jose Rodriguez	Abuse: Police Officer Jose Rodriguez threatened to issue a summons to § 87(2)(b)	

Case Summary

On September 16, 2019, § 87(2)(b) called the CCRB to file this complaint.

On September 16, 2019, at approximately 10:15 a.m., § 87(2)(b) drove his vehicle on Amsterdam Avenue between West 97th Street and West 98th Street in Manhattan. In front of 765 Amsterdam Avenue, PO Jose Rodriguez and PO Raymond Castro of the 24th Precinct stopped in a marked vehicle parallel to § 87(2)(b) s. PO Rodriguez allegedly spoke to § 87(2)(b) using the word “fuck” (**Allegation A -Discourtesy: Word,** § 87(2)(g) and asked § 87(2)(b) whether he wanted to be issued a summons (**Allegation B -Abuse of Authority: Threat of summons,** § 87(2)(g) The officers left the location, and § 87(2)(b) was neither arrested or issued a summons.

No video footage was obtained in this case.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Jose Rodriguez spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Jose Rodriguez threatened to issue a summons to § 87(2)(b)

In his testimony to the CCRB, which was provided in Spanish and translated in-house, § 87(2)(b) alleged (Board Review 01) that on September 16, 2019, at approximately 10:15 a.m., he drove his vehicle on Amsterdam Avenue between West 97th Street and West 98th Street in Manhattan. In front of 765 Amsterdam Avenue, the marked NYPD vehicle occupied by PO Rodriguez and PO Castro engaged its turret lights. § 87(2)(b) moved his vehicle to the side of the roadway, and the driver of the officers’ vehicle, PO Rodriguez, stopped his vehicle parallel to § 87(2)(b) s. PO Rodriguez asked § 87(2)(b) “What are you doing, stupid?” PO Rodriguez continued speaking to § 87(2)(b) in English, the content of which § 87(2)(b) did not fully comprehend beyond PO Rodriguez using the term “fuck” or “fuck up” and asking § 87(2)(b) whether he wanted to be issued a summons. § 87(2)(b) did not verbally respond in any way, and the officers left the location.

§ 87(2)(b) provided the officers’ vehicle number to the CCRB as “3714.” Both the 24th Precinct Roll Call from the tour of the time of this incident (Board Review 07) and PO Castro’s memo book (Board Review 08) note that PO Rodriguez and PO Castro were partnered on the incident date and assigned to vehicle number 3714. § 87(2)(b) described PO Rodriguez as a uniformed black male with short, black hair and a muscular build, and the NYPD MOS photograph of him in CCRB case 201801093 (Board Review 10) lists him as a Hispanic male with medium-length black hair and a heavy build. § 87(2)(b) PO Rodriguez wrote in his memo book (Board Review 09) a notation of “see recorder” and stated in his testimony to the CCRB (Board Review 02) that he was the driver of his vehicle for the entirety of his tour on the incident date, § 87(2)(g)

In their testimony to the CCRB, both PO Rodriguez and PO Castro (Board Review 03) stated that they had no independent recollection of this incident or of PO Rodriguez taking any of the alleged actions against § 87(2)(b) Being presented with the CCRB photograph of § 87(2)(b) memo book entries PO Castro made on the incident date (none of which pertained to this incident), and specific incident details alleged by § 87(2)(b) did not refresh either PO Rodriguez’s or PO Castro’s recollection of any incident that occurred on September 16, 2019.

Neither PO Rodriguez nor PO Castro made entries in this memo book regarding this incident, which did not involve any significant police actions taken in the 20 to 30 seconds it lasted.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04).
- PO Rodriguez has been a member-of-service for fourteen years and has been a subject in three CCRB complaints and seven allegations, none of which were substantiated. ■

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of January 24, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 05).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date